

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America

v.

James Christopher Varner

Case No.

2:18mj13



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 22, 2018 in the county of Jasper in the
Southern District of MS, Eastern Division, the defendant(s) violated:

Code Section

26 U.S.C. § 5861(d)

Offense Description

Possession of a Firearm Not Registered in the National Firearms Registration and Transfer Record.

This criminal complaint is based on these facts:

See affidavit attached hereto and incorporated herein by reference.

☒ Continued on the attached sheet.

Complainant's signature

Michael S. Knoll/Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

JUNE 27, 2018

Judge's signature

City and state:

Hattiesburg, MS

Michael T. Parker, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT FOR COMPLAINT

I, Michael S. Knoll, being duly sworn and deposed, state the following:

I have been employed since March 24, 2002, as a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Prior to service with ATF, I was employed as a Border Patrol Agent with the United States Border Patrol from May 19, 1997, through March 23, 2002. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program, ATF New Professional Training, and the United States Border Patrol Academy. I am a 1996 graduate of Southeastern Louisiana University with a Bachelor of Arts degree in Criminal Justice. As an ATF Agent, I am empowered to investigate violations of Federal Firearms, Arson and Explosive Laws. Based on my personal knowledge and information I have received from other agents of ATF and other law enforcement agencies, I am aware of the following facts.

1. On January 22, 2018, the Jasper County Sheriff's Office responded to a call for assistance to 136 County Road (CR) 155, Stringer, Mississippi regarding domestic violence.
2. Upon arrival, Deputy Brandon Johnson encountered Crystal Michelle VARNER upon arriving at 136 CR 155, Stringer, Mississippi 39481. Crystal VARNER informed Deputy Johnson that her husband, James Christopher VARNER had hit her and shot at her approximately ten times. Following the domestic violence and shooting, J. VARNER placed several firearms including a .308 caliber belt-fed rifle and machine-guns into bags and gun boxes. J. VARNER then left the scene with the firearms with Wesley KELLY. C. VARNER informed deputies that she believed her husband also had about ten pounds of Composition 4 (C4) explosives located in a cabinet inside of one of the bedrooms. She also stated J. VARNER had several other firearms located in the house. Medical services arrived shortly thereafter and attended to C. VARNER. Sheriff's Narcotics Investigator Derrick Knight obtained consent to search the home from C. VARNER. Emergency Medical Services then took Crystal VARNER to South Central Regional Medical Center located in Laurel, Mississippi for medical care.
3. Sheriff's deputies traveled to the home of Wesley KELLY located at 706 CR 19, Stringer, Mississippi. KELLY advised deputies that J. VARNER was in a shed located on his property. Deputies made contact with J. VARNER. A search of his person revealed a pill bottle containing suspected Fentanyl. KELLY gave the firearms J. VARNER took with him to sheriff's deputies. A black Ku Klux Klan (KKK) robe and hood, and literature, were with the firearms. Deputies returned to VARNER's home with the firearms and KKK paraphernalia.

4. The Jasper County Sheriff Office contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regarding the possible explosives believed to be in J. VARNER's home. I, along with ATF Special Agents (SA) Kevin Roch and Blair Lobrano, and ATF Jackson Resident Agent in Charge Robert Haar, along with members of the Biloxi Police Department Bomb Squad responded to Jasper County Sheriff's Office's request for assistance.
5. Crystal VARNER's friend, Ashlee Leanne JERNIGAN witnessed the domestic violence committed by J. VARNER. JERNIGAN was present in the home on C. VARNER's behalf while agents searched the home. No explosives were found in the home. While searching the home for explosives, agents observed numerous firearms in the home.
6. ATF agents field-tested several of the firearms. Four of the firearms field-tested to be machine-guns. Two rifles have barrels less than 16 inches. Agents also located an unmarked silencer located with the firearms. One pistol has an obliterated serial number. Another pistol was found with an attached barrel extension which contained a vertical fore-grip, which alters the firearm into an Any Other Weapon. One shotgun receiver was painted, obscuring the identification and serial number of said firearm, requiring the scraping of paint. Sheriff's Investigator Derrick Knight found a pipe used to smoke methamphetamine inside of an ammunition can, located with the ammunition, firearms, and firearms parts. A small metal box was discovered which contained five suspected machine-gun conversion kits, which are used to convert AR-15 style rifles into machine-guns. 4676 rounds of ammunition were also seized from VARNER.
7. Twenty-eight firearms were seized from James VARNER. Six firearms were sent to the ATF Firearms Technology Criminal Branch for testing. Four of the firearms were tested and determined to be machine-guns. Three were originally manufactured as semi-automatic firearms and subsequently altered to be machine-guns. One was determined to be a firearm silencer. One was found to be classified as an Any Other Weapon. I requested a records check of the National Firearms Registration and Transfer Record (NFRTR). James VARNER does not have any firearms registered in the NFRTR. None of the firearms determined to fall within the purview of the National Firearms Act are registered in the NFRTR.
8. One of the suspected machineguns submitted to the ATF Firearms Technology Criminal Branch for testing is a Fabrique Nationale d'Herstal 5.56x45 mm rifle, model FS2000, bearing serial number 009887. This firearm was tested by ATF Firearms Enforcement Officer Nathan Grogan who determined it had been altered to fire more than one round of ammunition for each pull of the trigger. This firearm was determined to be a "Machinegun" as defined in 26 U.S.C. 5845(b).

9. Based on the foregoing facts and circumstances, your affiant believes probable cause exist that James Christopher VARNER did violate Federal Firearms Laws in that he violated Title 26 U.S.C. 5861(d) Possession of a Firearm not Registered in the National Firearms Registration and Transfer Record.

Further your affiant sayeth not



Michael S. Knoll

Special Agent

Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to and subscribed before me this 27th day of June 2018.



United States Magistrate Judge